



City of Miami Springs, Florida

The Miami Springs City Council held a **SPECIAL MEETING** in the Council Chambers at City Hall on Monday, July 10, 2006, at 7:30 p.m.

1. Call to Order/Roll Call

The following were present:

Mayor Billy Bain
Vice Mayor Xavier Garcia
Councilman Bob Best
Councilman Paul C. Dotson
Councilman Rob Youngs

Also Present:

City Manager James R. Borgmann
Assistant City Manager Ronald K. Gorland
City Attorney Jan K. Seiden
Chief of Police H. Randall Dilling
Finance Director William Alonso
City Planner Richard E. Ventura
Interim Public Services Director Robert Williams
Golf Director Mike Aldridge
Deputy City Clerk Suzanne S. Hitaffer

2. Invocation: Councilman Dotson offered the invocation.

Salute to the Flag: The audience participated.

3. THE CITY COUNCIL WILL CONVENE AS THE LOCAL PLANNING AGENCY FOR A PUBLIC HEARING REGARDING THE FOLLOWING RESOLUTION:

A Resolution of the City Council of Miami Springs Adopting the Evaluation and Appraisal Report for the City of Miami Springs Comprehensive Plan; Expressing the Intent of the City Council to Amend the Comprehensive Plan Based Upon Recommendations Contained in the Report; Approving Transmittal of the Report to the Department of Community Affairs in Accordance with Section 163.3191, Florida Statutes; Effective Date

City Attorney Jan K. Seiden read the resolution by title.

City Planner Richard E. Ventura presented the revised Evaluation and Appraisal Report (EAR), which incorporated the changes that were requested by Council.

City Planner Ventura stated that provided that the report is found sufficient, Council would adopt the resolution and the report would be transmitted to the Florida Department of Community Affairs (DCA). He explained that after the final EAR adoption, the formal Comprehensive Plan amendment process could begin.

City Attorney Seiden noted a change in Table 4: Land Use Categories, listed under Density/Intensity Standards that reads: "*Minimum site area is one parcel of land 7,500 sq. ft. in area for each single family dwelling*". He explained that in accordance with the current Code, this change would no longer permit R-1C and R-1D development as it currently exists because those districts permit 5,000 and 6,000 total area sq. ft. development. He said that the district boundary regulations would have to be amended to provide for a minimum of 7,500 sq. ft. if this revision is approved.

City Attorney Seiden stated that the Code deals with average width and the requirement is 75-feet in all districts. There is no minimum depth and the standard size lot is generally 75' x 100' in the R-1B district, while 10,000 square feet is required in the R-1A district.

Attorney Seiden explained that the R-1C and R-1D districts were added in 1977 because a number of lots were created where alley portions were taken either on the side or rear of the property and some lots have a depth of 93-feet. He said that any of those lots that currently meet the Code, would not be able to meet the Code in the future, and they would need a variance to build on a smaller lot.

Councilman Youngs asked if there would be a problem by establishing 7,500 sq. ft. as a general standard.

Rosa Davis, Research Associate, Florida International University (FIU) Metropolitan Center, stated that the DCA requested greater clarification and that is why the extra language was added.

Attorney Seiden stated that anyone who lives in a house on a lot smaller than 7,500 sq. ft. could apply for a variance to request permission to demolish the house and re-build another house.

Ms. Davis suggested that additional language could be added to include the 5,000 and 6,000 sq. ft. lots in the appropriate districts.

Attorney Seiden clarified that the minimum lot size could be outlined for the various districts, which would not require any changes to the Code.

Councilman Youngs moved to amend the paragraph so that the minimum site area accurately reflects what is included in the current Code and Councilman Best seconded the motion, which was carried unanimously on roll call vote.

Attorney Seiden stated that Ms. Davis would review and correct the language that reads: *“No development can exceed 5 units per dwelling”*. He explained the proper language should read: *“No development can exceed 5 dwelling units per acre”*.

Attorney Seiden said that the DCA requested the addition of the following phrase: *“The percentage of uses will be determined during the EAR amendment process”*. He explained that theoretically the EAR process will be finished after the adoption of the resolution; however, the DCA takes the position that it is still an EAR amendment process and not the subsequent Comprehensive Plan review process.

Ms. Davis clarified that any recommendations are considered EAR based amendments and any subsequent amendments to the Comprehensive Plan are considered part of the EAR based amendment process. She explained that every municipality has the right to make amendments to the Comprehensive Plan twice annually; however, EAR based amendments are considered an extension.

City Attorney Seiden referred to the six parcels listed on page eight of the EAR that were split between districts. He said that Council gave direction that any parcel south of the barricade is fine but the line would not be moved north of the barricade. He said that Ms. Davis would check to make sure that the listed properties are actually south of the barricade and if they are not, they will be deleted.

Ms. Davis added that the language reads “Change District Boundary to avoid split land uses in the following 6 parcels and to use the existing street barricade as the new boundary line”.

Councilman Dotson recalled that Council concluded that if the predominate portion of the property was north of the boundary, it would remain north and if the predominate portion of the property is south, it would remain south of the boundary.

Ms. Davis clarified that the Proposed Solution on page seven addresses the split parcels as follows: *“The new boundary will be based on the existing street barricade that divides the Airport District from the residential area of the City. If 50 percent or more of a property falls within the residential area, the land use of the property shall be residential”*.

Attorney Seiden referred to Coordination of Land Use and School Facilities Planning on page 31 of the EAR report. He said that the district boundary regulations would have to be modified to reflect the school use in the land use categories, as provided for in the Comprehensive Plan of 1998.

Ms. Davis made a note to eliminate Blessed Trinity upon clarification from the City Manager that the school is located in the Village of Virginia Gardens.

Councilman Youngs asked Ms. Davis to review the changes in the Executive Summary.

Ms. Davis stated that DCA recommended revising the Level of Service for water and sewer based on the standards set by the Miami-Dade County Water and Sewer Department (WASA) in the County's Comprehensive Plan. She explained that since the County is updating the Level of Service, the City would need to update the level of service based on the figures from the County. Ms. Davis said that the sections dealing with water and sewer were changed to provide a better analysis and to discuss the fact that the County is going through an evaluation process.

Ms. Davis said that the DCA requested more information on annexation, which was incorporated into the report on page 72.

Councilman Dotson stated that the annexation information was outdated because the City is no longer trying to annex Section A, and there have been other changes that should be updated to give an accurate reflection of the current situation.

Councilman Youngs commented that the City revised the annexation application to exclude Section A, and the language in the report reflects the original application.

Councilman Dotson added that the County passed the “Terminal Ordinance”, which raised questions about the City's desire to annex some of the territory.

Ms. Davis explained that DCA requested additional detail regarding the Capital Improvement Plan as shown on page 25. In terms of transportation, DCA asked to provide level of service information regarding roads on the perimeter of the City such as N. W. 36th Street and Le Jeune Road. She revised the text to make it clear that the roads were not under the City's jurisdiction.

Ms. Davis outlined the various policies in the Comprehensive Plan that meet the concurrency requirements, as noted on page 24. She said that many changes had been made to the requirements of the Comprehensive Plans and many cities are not in compliance, while Miami Springs is in compliance since the Plan was updated in 1998.

The DCA requested clarification of the numbers for affordable housing, according to Ms. Davis. Information was added on page 51, including a target date of 2015.

Councilman Dotson expressed his concern about affordable housing because the City does not have vacant land available in order to provide incentive for development. He felt that the target numbers were not realistic.

Ms. Davis agreed that the targets are difficult to meet and they could be changed, although the numbers could be questioned by the State. She suggested that a certain percentage of affordable housing units could be set aside in future mixed-use projects. Ms. Davis said the numbers are based on a standard formula to determine housing needs.

Councilman Youngs stated that the City is resisting an increase in density and Council requested a change in the language from “create affordable housing” to “encourage reasonably priced housing”. He said that mixed-use could be allowed in certain areas to provide single-family units, not rental units, which would be consistent with the character and nature of the community.

To answer Councilman Youngs’ question, Ms. Davis stated that the target numbers could be changed but the State would come back with a sufficiency question.

Councilman Dotson said that he would not want to commit to a number that cannot be reached.

Ms. Davis suggested approving the amendment as written and adding language to say that the City would like to give further consideration as to how the goals could be accomplished and determine what would be more suitable for the nature of the City.

Vice Mayor Garcia said that he understands the point that was made about the numbers not being realistic, but it might be better to include the target numbers in order to move the process along.

City Planner Ventura explained that representatives from DCA who are responsible for the review of the EAR visited the City to discuss the topic of school siting and housing affordability. He said that the DCA representatives became aware of the situation in the City and suggested various steps for facilitating the completion of the EAR.

Ms. Davis recommended refining the language to say that the City is going to continue to look further into how it can meet the goals, and if this is not possible, a good argument could be provided as to why the goals cannot be met.

Councilman Dotson said that the change in the dynamics of the housing market would have to be favorable in order to accomplish the goal.

Ms. Davis referred to the Required or Recommended Amendments as listed under Table 24 on page 77 and 78. She explained that the state provides a list of the required amendments, which she compared with the Comprehensive Plan and indicated the various requirements that were met or the amendments that are needed in order to be in compliance.

Ms. Davis added that the DCA is requesting letters from the Miami-Dade County Public School Board and the Water and Sewer Department (WASA) to make sure that they have read the EAR. She said that the response was received from WASA and the letter from the School Board should be received in time to transmit with the adoption of the EAR.

Ms. Davis explained that the City does not have concurrency exception areas, which is noted in the report. The DCA also asked to identify how the City would provide common methodology for measuring impact on transportation facilities, which the County is working on in conjunction with the cities.

Ms. Davis said that for the most part the City is in compliance with the school siting requirements; however, the City is not in compliance with school co-location, which means that the School Board and the City can share facilities for different uses. She explained that an amendment is recommended by the DCA and Council must approve the amendment as outlined on page 33 of the report.

Mayor Bain asked how the schools are evaluated since the majority of the students are not Miami Springs' residents.

Ms. Davis explained that the regulations are standard throughout the state and all cities are required to cooperate with the School Boards in order to allow construction of schools. She said that the State representatives understood that the City had met the requirements and there is no need to build additional schools within the City.

Councilman Youngs added that examples of co-location are the City's use of Stafford and Dove Avenue Parks. He said the idea is for the municipalities and School Boards to cooperate for joint efficient use, which the City has complied with.

Councilman Youngs moved to adopt the amendment for school co-location as proposed on page 33 and Vice Mayor Garcia seconded the motion, which was unanimously carried on roll call vote.

City Attorney Seiden clarified that a public hearing was in order and Mayor Bain opened the floor to those persons wishing to speak.

Irene Priess of 449 Swallow Drive commended Council, the City Manager and Rosa Davis for a tremendous job.

Mr. Borgmann added that the City Planner and City Attorney should also be recognized.

There were no additional speakers, and the public hearing was closed.

Councilman Best moved to adopt the resolution and Councilman Youngs seconded the motion, which was carried unanimously on roll call vote (Resolution No. 2006-3320).

4. Approval of the City Attorney's Invoice for June 2006 in the Amount of \$9,597.50

There was no discussion regarding this item.

Councilman Dotson moved to approve the item and Councilman Best seconded the motion, which carried unanimously on roll call vote.

5. Request for Proposals (RFP) – Disaster Generated Debris Management

City Manager Borgmann stated that as part of the overall strategy in responding to the aftermath of storms, the City would like to retain the services of a company who would be directly responsible to the City for debris removal.

Mr. Borgmann explained that proposals were received for the debris removal portion and the monitoring of the process, which is very important to controlling the cost of the clean-up. He said that Assistant City Manager Gorland headed the committee that prepared the Request for Proposals (RFP) and reviewed the results, and their recommendation is to reject all the proposals and to consider other alternatives.

To answer Councilman Dotson's question, City Manager Borgmann stated that the debris monitor is an independent third party that ensures the loads are properly monitored so that the City is properly charged for the debris removal. He clarified that Post, Buckley, Schuh and Jernigan provided this service after last year's hurricanes.

Assistant City Manager Gorland said that price was not the major factor when reviewing the RFP's because the cost is largely reimbursed within certain parameters. He explained that the most important factor was having a company that would be on-site and positioned with equipment before the storm and able to remove debris immediately after the storm.

Assistant City Manager Gorland stated that the committee decided that two contracts would be appropriate. He said that the reference process was used to determine which company would be the best and unfortunately some unfavorable facts were revealed. He explained that Ash Britt Environmental was contracted by the City of North Miami and did not show up after the last two hurricanes, which is not unusual because firms respond to other cities that can offer more work and pay.

Mr. Gorland stated that of the six firms responding to the RFP, only four posted the required bonds resulting in only four valid bids, which were three for debris removal and one for monitoring. He reviewed the comments regarding each company as outlined in his memorandum of July 6, 2006.

Assistant City Manager Gorland advised Council that the committee's recommendation is to consider other alternatives outside of the RFP, such as piggy-backing or working with other firms that are well-known and have an established business relationship with the City and that there is one valid bid for removal and one for monitoring.

Vice Mayor Garcia said that he would like to know whether or not Ash Britt Environmental had more than one bad reference from the City of North Miami because it could have been an isolated issue with that particular City. He also asked for clarification of the bad experiences that were noted with SFM Services, Inc.

Assistant City Manager Gorland referred to the internal memorandum listing the past experiences with SFM Services, Inc.

Vice Mayor Garcia stated that SFM Services, Inc. provides other services for the City and perhaps they should be considered for debris removal. He noted that both Ash Britt and SFM posted the required bid bonds and they are not being considered due to bad experience, which should be further explained. He added that having a debris removal contract in place is very important because the City could be hit by a storm at any time.

Interim Public Services Director Robert Williams stated that he provided information to the City Manager regarding the City's past experience with SFM during the tree removal project in December 2004. He said that numerous incidents were listed dealing with lack of supervision, equipment malfunction, and safety issues, which resulted in replacement of the company.

Councilman Best asked if the committee was of the opinion that the RFP responses were light considering response time of thirty days.

Mr. Williams said that most companies do not want to commit to one City because they tend to respond to larger entities that can offer a better price.

To answer Vice Mayor Garcia's question, City Attorney Seiden said that a bid bond is used only if a company refuses to execute a contract as part of the bidding process.

Assistant City Manager Gorland commented that Miami Springs is a small municipality that has unique requirements, such as the narrow alleys that requires specialized equipment to remove the debris.

Vice Mayor Garcia reiterated that he would like to know if there were any other issues with Ash Britt besides the bad reference from the City of North Miami.

Mr. Williams stated the most important factor in the process is to be certain that the company that is selected shows up to do the work and Ash Britt did not respond to the City of North Miami on two occasions.

Vice Mayor Garcia emphasized that he would like to hear the facts from both Ash Britt and the City of North Miami because there might be two sides to the story.

Mr. Williams explained that he spoke with representatives from the City of North Miami and he felt very confident about their comments regarding Ash Britt.

Vice Mayor Garcia said that Ash Britt deals with multiple municipalities and he would like to know why there was a problem with only one.

Assistant City Manager Gorland stated that the Administration could check additional references; however, he would not recommend accepting a firm that did not show up for whatever reason. The point is that the City of North Miami is similar in size to Miami Springs, the City Manager is well-known and their reference was taken with a great deal of confidence.

Mayor Bain asked what alternatives the Administration is recommending in order to be prepared for the upcoming hurricanes.

Assistant City Manager Gorland explained that the committee is recommending piggy-backing with other municipalities that have signed contracts with organizations that have good references. Another alternative is to develop contracts with well-known companies that have a good relationship with the City.

Mayor Bain was disappointed that not enough information was available in order to make a decision to approve the committee's recommendation to reject the proposals or to award the contract to Disaster Response and Management or Phillips & Jordan, Inc.

Attorney Seiden clarified that Council could direct the Administration not to reject the bids and to pursue contracts with the two companies that submitted valid proposals.

Mayor Bain reiterated that he could not make a decision based on the information that was presented.

Assistant City Manager Gorland explained that there is no competitive environment because there is only one acceptable company for each function. He said that by going outside of the RFP that the City might be able to come back with two firms so that the Administration would have a firm recommendation. He explained that he could provide copies of the RFP responses, but they cannot be compared because they are in different forms.

Vice Mayor Garcia said that many debris removal companies from outside the state are new to the area and they subcontract the work, while local companies can guarantee to respond immediately.

Councilman Best stated that the committee is not comfortable with the RFP responses, it is an ongoing study, and there is not much that Council could discuss further.

Councilman Youngs asked the Administration to check with Virginia Gardens, Medley, Hialeah and Doral to determine if Miami Springs could piggy-back with their contractors.

Mayor Bain requested an analysis of the proposals from Disaster Response & Management and Phillips & Jordan, Inc.

Christian Infante, Vice President of SMF Services, Inc., 9700 N. W. 79 Avenue, Hialeah Gardens, stated that the \$500,000 performance bond is used when the contractor does not show up or perform the work to the City's expectation.

Mr. Infante distributed a copy of a letter from his company addressing their work experience with the City of Miami Springs. He said that there was only one issue in 2004 when a tree trimming crew was cited as working in an unsafe manner and his company offered to take corrective action by changing the crew and offering a safety course on tree-trimming safety.

Mr. Infante felt that it is unfair to judge SMF Services based on one tree-trimming crew of three men. He added that SMF has several tree-trimming contracts with other municipalities, there have been no safety issues, and there are letters and references with several municipalities for disaster recovery, including the Town of Miami Lakes. He said that SFM Services had provided street sweeping services to the City of Miami Springs for the last three years with no problems.

To answer the Mayor's question, Assistant City Manager Gorland clarified that the bid bond is separate from the performance bond that is required after the contract is signed.

City Attorney Seiden stated that in a default situation there is a process by which the City has a certain amount of time to put the bonding company on notice, which is generally 30-days, there is a dispute resolution process, and the bonding company has the right to hire a company to fulfill the contract of the defaulting party. He said that the hurricane season would be over before the process is resolved.

Mayor Bain reiterated that Council was not presented with enough documentation.

Attorney Seiden stated that Council could accept the recommendation to reject all bids, direct the Administration to conduct further investigation and bring back a new recommendation, or permit the Administration to review additional companies and bring back a recommendation as part of a waiver of the Request for Proposal process. He said that the RFP process could be done again but this might not be feasible with the approaching hurricane season.

Mr. Williams asked Council to carefully review the notes from Tom Nash about the City's experience with SFM Services, Inc.

Councilman Youngs moved to direct the Administration to reject all bids and Councilman Best seconded the motion.

Councilman Dotson stated that a committee held four meetings and their recommendation to reject all bids was based on their best judgment. He would like to accept the recommendation and begin the process again.

On roll call vote, the motion carried 4-1 with Vice Mayor Garcia casting the dissenting vote.

Councilman Youngs asked the City Manager what direction is needed from Council.

City Manager Borgmann stated that it is mid-July and to go out for bids again would not be in the City's best interest because there would not be enough time to provide sufficient information and to receive significant bids. The recommendation of the Administration is to piggy-back off other cities or to work with the companies that provided acceptable bids. He added that there were a number of companies that did not respond, including the companies that were utilized last year.

Mayor Bain suggested re-bidding and considering the option of piggy-backing in the interim.

Councilman Best and Vice Mayor Garcia agreed with Mayor Bain's recommendation.

By consensus, Council directed the Administration to begin another RFP process and to look into piggy-backing on another city's contract.

6. Request that Council Approve a 3-year Chiller Service Agreement with Trane

City Manager Borgmann stated that the Administration is recommending approval of a service agreement for the new air conditioner and chiller in the City Hall with Trane, in the amount of \$4,500 for year one, \$5,952 for year two and \$6,120 for the final year of the contract. The impact on the current budget for three months would be \$1,125.00.

City Manager Borgmann explained that the new unit has a factory warranty for parts but not labor for installation or other related materials. Under the contract, all parts and labor would be provided for three years, there is a provision for one-year extensions and the cost of the extensions would be negotiated at the appropriate time.

City Manager Borgmann stated that funds are available through the Repairs and Maintenance budget within the Public Properties Division.

Councilman Dotson questioned the need for a service agreement since the equipment is new and it was very expensive.

City Manager Borgmann stated that in recent years the City has had maintenance agreements in place for all City vehicles. He recommended using the Trane warranty service for the first three years.

Mayor Bain felt that the cost of the warranty is a substantial amount and the service agreement should be put out to bid.

Councilman Best and Councilman Dotson agreed with Mayor Bain.

Councilman Dotson moved to direct the Administration to put out a Request for Proposal for a service agreement for the chiller system and Councilman Best seconded the motion, which was unanimously carried on roll call vote.

7. Analysis of New Base Rates for Multi-unit Buildings

Finance Director Alonso stated that the purpose of the analysis was to establish a system that would provide an equitable rate structure between multi-unit buildings and residential homes. A resolution was adopted that changed the rate to \$13.75 per unit that was subsequently rescinded because it was determined to be inequitable.

Mr. Alonso said that he developed a formula of \$7.00 per unit or a minimum of \$24.00, whichever is higher.

Councilman Dotson agreed that the analysis is good because it provides equity and the City realizes a savings because multi-unit buildings only have one meter to read.

Discussion ensued regarding the cost and feasibility of installing individual meters in multi-unit buildings.

Councilman Youngs stated that he would be in favor of approving the proposed rates in concept, and having the Administration look into the possibility of installing individual meters.

Mayor Bain said that he would like the new rates to be effective October 1, 2006.

Councilman Youngs moved to approve the new base rates for multi-unit buildings in concept. Councilman Best seconded the motion, which carried 4-1 on roll call vote with Vice Mayor Garcia casting the dissenting vote.

8. Golf Department Summer Advertising Proposal

City Manager Borgmann stated that everyone agrees that marketing plays a huge role in promoting the Golf Course and Golf Director Mike Aldridge developed a plan, even though the next eight to ten weeks will be slow due to the greens renovation. He explained that the cost of the marketing program is \$9,952, which is within his authority to approve but he wanted Council to be part of the process.

Golf Director Mike Aldridge presented a sample brochure that would be distributed to hotels, rental car companies and various attractions from South Beach to Hollywood. He said that the cost of 50,000 brochures would be \$1,500.

To answer Councilman Dotson's question about special promotions, Mr. Aldridge said that the e-mail addresses would be obtained for each hotel.

Mayor Bain asked about the scorecard advertising and Mr. Aldridge stated that it would be considered next year.

Councilman Dotson stressed the importance of advertising in Spanish in order to attract customers from South America.

Mr. Aldridge said that advertisements would be placed in the El Nuevo Herald and \$1,000 is budgeted for miscellaneous expenses. 10,000 brochures are set aside for the airline training facilities and other locations.

To answer Vice Mayor Garcia's question, Mr. Aldridge explained that the promotion begins August 15th and will end October 1, 2006. During the budget process, he will review the entire marketing plan for the next year.

Councilman Youngs asked about the source of funding for the marketing program.

Finance Director Alonso stated that a \$40,000 contingency was established within the Golf Course budget and the funds are available in that account.

Councilman Dotson asked how the \$5,000 that is set aside for the Grand Opening Celebration would be spent.

Assistant City Manager Gorland stated that the committee members would make a recommendation to Council as to how the \$5,000 that was approved by Council would be spent once the date for the Grand Opening is confirmed. He explained that a Founder's Day Tournament would be held in conjunction with Curtiss Mansion, Inc. (CMI) and the proceeds are going to the Junior Golf Program.

Mayor Bain stated that he would like to have some brochures available in Spanish.

Vice Mayor Garcia recommended that the advertising should be consistent for four weeks straight with the same placement of the ad every week, preferably on a right hand page.

Mr. Aldridge stated that he lined up three Internet tee time services, including Tee Time U.S.A., Golf Pac, and Last Minute Golfer that will book internet tee times 10% to 20% off rack rates. He said that the deal is set but the Golf Course would not be on the websites until the greens are finished.

Councilman Dotson moved to approve the Golf Department summer advertising proposal and Councilman Best seconded the motion, which was unanimously carried on roll call vote.

(Agenda Items 9 and 10 were discussed and approved simultaneously)

9. Consideration of the Purchase of 75 KW Mobile Generator for the Senior Center

City Manager Borgmann stated that Agenda items 9 and 10 both relate to the proposed generators for emergency situations. He explained that two mobile generators are recommended so that they could be moved to appropriate locations within the City. The bids include the installation costs for the transformers and switches that are needed to connect the generators to the main meter.

Finance Director Alonso said that Adams Electric provided the lowest price quote the last time the generators were addressed; however, they are still working on the quote for the mobile generators so there is a possibility that they might submit a better price for the same unit.

Mr. Alonso explained that the bid from Cummins Power South is \$164,000 for both generators and \$22,500 for installation at the Recreation Building, Senior Center, and the Golf Course Club House and pump station. He said that a 600 amp. transfer switch, in the amount of \$5,000 is required at the Recreation Center.

Finance Director Alonso said that originally a 50kw generator was proposed for the Senior Center, and after further review by Computer Electric, they recommended a 75kw.

Mr. Alonso explained that the 100kw generator is on a trailer, it takes 480 volts to run the pump stations at the Golf Course and the trailer package includes a step down transformer so the generator could be used at other facilities.

Discussion ensued regarding the location of the pump station on the Golf Course.

Councilman Dotson asked if the generators would be used solely for Golf Course activities and to keep the course in good condition to protect the City's investment.

City Manager Borgmann said that power is needed to charge the golf cart batteries. He spoke with Carlos Santana about utilizing the Country Club building for an emergency structure as a last resort.

To answer Councilman Dotson's question, Mr. Gorland stated that the electrical connection at the Recreation Center is inside the weight room and it must be routed outside which is a little more expensive.

Attorney Seiden stated that Council could approve the items as proposed, subject to a determination by the Administration that the proposal from Adams Electric is not superior, in which case the Administration would be authorized to substitute Adams Electric for this proposal.

Vice Mayor Garcia moved to approve the item, subject to a determination by the Administration that the Adams Electric proposal is not superior, in which case the Administration is authorized to substitute Adams Electric for this proposal. Councilman Youngs seconded the motion.

Councilman Best asked what is the lead time on the delivery of the equipment and if a warranty is included.

Finance Director Alonso stated that the lead time for generators above 75kw is approximately two to four weeks.

To answer Councilman Youngs' question, Mr. Alonso said that he should be in receipt of the bid from Adams Electric the next day.

City Manager Borgmann stated that he would send a memorandum to Council regarding the bid.

To answer Councilman Best's question, Mr. Alonso clarified that the generators come with a 1-year warranty.

On roll call vote, the motion was unanimously carried.

10. Consideration of the Purchase of 100 KW Mobile Generator for the Golf Course and Recreation Center

(Simultaneously approved with Agenda Item 9)

11. Request that Council Waive the Competitive Bid Process, in Accordance with Section 31-11 (E) (6) (g) of the City Code, and Approve the Quote of \$13,250 from Island Fence Co. for the Replacement of the Fence in the Golf Course Maintenance Area

City Manager Borgmann stated that the fence was put out to bid and approved by Council. He explained that the successful bidder started the job by removing the old fencing, placing new poles and never returned to complete the job after numerous calls and letters with no response.

City Manager Borgmann explained that Island Fence Company offered to complete the job for a price that was less than the second lowest bid.

Councilman Youngs moved the item and Councilman Dotson seconded the motion, which carried unanimously on roll call vote.

12. Request from Martin Marquez to have the Miami Springs Recreation Center Construction Documents Digitized at an Approximate Cost of \$500.00

City Manager Borgmann stated that several e-mail requests were received regarding a request from Martin Marquez to waive the fees for copies of public documents in the approximate amount of \$440.00.

City Manager Borgmann said that this cost estimate from Doral Digital Reprographics (DDR) covers a complete set of plans, approximately 200 sheets for \$2.00 per sheet and \$20.00 for each CD of the tiff and pdf files. The cost is within his authority to approve but he did not feel it was appropriate to waive this amount for a citizen request because of the precedence that it could set. He has no doubt that Mr. Marquez has a genuine desire to help the City draft plans to refurbish the existing gym but he would like direction from Council.

Vice Mayor Garcia stated that he partially agrees with Mr. Marquez's request because the City is in the process of digitizing all the records.

Councilman Youngs suggested accelerating the process for digitizing the building plans so that the cost would not be an extra expense.

Vice Mayor Garcia said that refurbishing the gym had not been the will of Council and it is not an option at this time.

Councilman Dotson stated that he was surprised that the request was brought to Council because it is a freedom of information request that citizens are entitled to receive. He felt that the working plans are important and they should be digitized to preserve the records.

Councilman Dotson was of the opinion that the reason Mr. Marquez is requesting the records is his business and he might want to provide an alternative analysis or proposal for the gym. He felt that the request should not be denied because eventually the plans are going to be digitized and this is an opportunity to begin with this particular set of documents. He added that there should be a lot of discussion and input received on the Master Plan for the City and this would be one way of receiving additional input.

Councilman Best stated that the intention is to move forward to digitize the records. He added that Mr. Marquez is a member of the community that is blessed with a degree in architecture and the City could turn over the plans to him for 24-hours in order to allow him to move forward with his ideas. He felt that \$440.00 is money well spent to allow an interested citizen to help with the process.

Mayor Bain said that after speaking with Mr. Marquez, he brought the request to the City Manager because of the fact that it would cost \$440.00. He explained that Mr. Marquez is requesting the City's help because he wants to present his recommendations for the gym and it was not appropriate for the City Manager to approve the funds for a personal venture.

Mayor Bain clarified that he requested this agenda item because the public should be aware of all issues and it should be Council's decision to approve Mr. Marquez's request in a public forum. He added that Mr. Marquez is not in a position to pay \$440.00.

Councilman Best stated that the amount of money should be approved for any person that has the expertise to provide information that Council is seeking.

Mayor Bain reiterated that Mr. Marquez is trying to assist the City by providing a proposal and that is why he requested this agenda item.

Councilman Youngs explained that the public records law states that the City is not required to produce records that do not exist and since there are no digitized records, the cost to create them is approximately \$500.00. He appreciates the fact that the request was brought to Council.

Councilman Youngs stated that a new gym is not foreseen in the immediate future and since the records are going to be digitized anyway, the plans for the gym could be moved up on the priority list as part of an existing project so there is no extra cost to the City. He suggested that in the meantime, the plans could be copied in order to provide an extra paper copy in order to comply with the request.

Councilman Dotson reiterated that Mr. Marquez's request is for information that should be granted and not turned down because the document is not in the proper form.

Councilman Youngs stated that before digital technology was available the City would send the plans to a City approved photocopy company and the original documents would not leave the possession of the City. The only reason Council is having this discussion is because the documents are not available in this technology format.

Mayor Bain clarified that if the City spends the money to digitize the plans that they would belong to the City.

Councilman Dotson said that if the plans are digitized that it would be a permanent record that would afford other people the opportunity to access the records for an appropriate fee.

To answer Councilman Youngs' question, Assistant City Manager Gorland stated that the City would have to go to an outside vendor because it does not have a current vendor working on the project to digitize the plans.

Martin Marquez of 401 Hunting Lodge Drive explained that the drawings vary in size and he is asking to digitize the records in a file format that can be analyzed and drawn over to show the capabilities of the structures. He said that tiff and pdf files are easier to read and send to consultants for analysis.

Councilman Dotson moved to authorize the City Manager obtain the digitized copies for Mr. Marquez either by Doral Digital Reprographics, or a vendor of the City's choice, with all deliberate speed. Councilman Youngs seconded the motion.

Mayor Bain made it clear for the record that the digitized copies would belong to the City and Mr. Marquez could borrow them for his personal use.

City Manager Borgmann assured Council that the documents would stay within the possession of the City when the copies are made.

City Attorney Seiden suggested a change in the motion to reflect that Council is directing the City Manager to have the documents reproduced by a vendor of the City's choice so that Mr. Marquez could make a public records request for the CD.

Councilman Dotson withdrew his motion and Councilman Youngs withdrew the second.

Councilman Dotson moved to authorize the City Manager to digitize the work drawings for the gymnasium and recreation buildings by a vendor of the City's choice as soon as possible. Councilman Youngs seconded the motion and it was unanimously carried on roll call vote.

City Manager Borgmann clarified that smaller issues had been brought to Council in the past because of certain situations or principles. He said that one issue was when the Rhodes Brothers asked to tear out the carpet in the Country Club and install a \$300.00 dance floor, which would have changed the entire atmosphere of the room and he requested Council's approval to proceed in that direction.

Councilman Dotson stated that the City Manager stated in his memorandum that the issue was whether or not the City needs a new, larger and modern facility that will accommodate the growing recreational needs of the community and he did not feel that this was an issue with regard to the request.

City Manager Borgmann said that it seemed Council wanted to move forward to locate funding for a new gym as stated in the Master Plan and not refurbish the old gym.

Mayor Bain wanted to make it clear that he asked the City Manager to place the request on the agenda for discussion in a public forum.

On behalf of the entire Council, Mayor Bain stated that the Fourth of July activities were spectacular and many compliments were received about the fireworks. He thanked Patti Bradley for organizing the parade, and the City Manager, Assistant City Manager, Chief of Police, and Public Services Department for a great team effort.

City Manager Borgmann added that the City was blessed with the best weather ever in the last ten years on a Fourth of July.

13. Adjourn.

There being no further business to be discussed the meeting was adjourned at 10:43 p.m.

Billy Bain
Mayor

ATTEST:

Suzanne S. Hitaffer
Deputy City Clerk

Approved as written during meeting of: 8/14/2006

Words ~~stricken through~~ have been deleted. Underscored words represent changes. All other words remain unchanged.